

*Attorney Docket No: IDF 1614 (4000-04800)**Patent***REMARKS/ARGUMENTS*****Status of Claims***

Claims 1-3, and 5-27 are currently pending in the application.

Specification Amendments

Please amend paragraphs [0021] and [0026] of the specification as indicated above. The amendment in paragraph [0021] corrects a reference number error and changes a lower case "l" to an upper case "L" to be consistent with the rest of the specification. The amendment in paragraph [0026] corrects a typographical spelling error. No new matter is contained in these amendments.

Claims Rejections – 35 USC § 103

Claims 1-9 and 22-23 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang* (U.S. 4,516,238) in view of *Cooperman* (U.S. 5,862,128). Claims 10-11 and 24-25 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang* in view of *Cooperman* and further in view of *Widjaja* (U.S. 5,440,553). Claims 12-16 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang* in view of *Cooperman* and further in view of *Widjaja*. Claims 17-21 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang II* (U.S. 4,542,497) in view of *Cooperman*. The Applicant respectfully traverses the rejections and submits that the Examiner has failed to present a *prima facie* case of obviousness as required by MPEP § 2142.

The Examiner's obviousness rejections are not well founded because the Examiner has not established a *prima facie* case of obviousness. The requirements for establishing a *prima facie* case of obviousness are well established:

To establish a *prima facie* case of obviousness, three basic criteria must be met.

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First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. MPEP § 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Similarly, the fact that the Examiner has the burden of proof with respect to the elements of the *prima facie* case of obviousness is also well defined:

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 2142 quoting *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

The Examiner has not met his burden of presenting the *prima facie* case of obviousness with regards to the third prong of the obviousness test because neither Huang nor Cooperman teach or suggest the non-recirculating sort and trap stage limitation of claims 1, 12 and 17. Claim 1 has been amended to include the following limitation from canceled claim 4: "wherein the second stage is a non-recirculating sort and trap stage." Claims 12 and 17 recite similar limitations. As is well known in the art, recirculating is the process by which a cell is recycled through the sort and trap stages in a switching system when the cell has the same destination address as another cell in the same time slot. In other words, a recirculating sort and trap stage is one in which a cell with a non-unique destination address makes more than one pass through the sort and trap stages before being routed to the destination address. By contrast, a non-recirculating sort and trap stage does not recycle any cells. In a non-recirculating sort and trap stage, each cell only makes a single pass through the sort and trap stages. Huang and

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Cooperman fail to teach or suggest the claimed non-recirculating sort and trap stage. More specifically, *Huang* completely fails to address the issue of non-unique destination addresses and thus does not teach or suggest a trap stage, recirculating or otherwise. *Cooperman* teaches that his sort and trap stages solve the problem of cells having non-unique destination addresses by recycling the cells with non-unique destination addresses only once:

In the merged buffer switch, the merged buffers 10 act as logical output buffers for correctly routed signals and as logical input buffers for misrouted signals. Because a misrouted signal waits in a logical input buffer until the CAM control 18 determines that it should be next to be routed to the correct merged buffer 10, each signal is rerouted at most once. The second time through the circuit switch fabric 6, a signal will always reach its correct destination buffer. *Cooperman*, col. 6, lines 56 - 63.

As shown in *Cooperman's* FIG. 5, *Cooperman* solves the problem of cells (signals) having identical destination addresses by holding cells with non-unique addresses in one of the buffers 10. When the destination address becomes available (i.e. unique), each cell is rerouted through feedback 14 so that the cell can be recycled through the circuit switch matrix 6, the buffers 10, and the output 12. *Cooperman's* architecture is the very definition of a recirculating sort and trap stage because each cell with a non-unique address passes through the switch matrix and buffer exactly twice: once when the cell is held in the buffer, and once again when the cell is rerouted. Thus, *Cooperman* teaches a switching assembly with a *recirculating* sort and trap stage, not a switching assembly with a *non-recirculating* sort and trap stage. Because neither *Huang* nor *Cooperman* teach a non-recirculating sort and trap stage, the prior art does not teach or suggest all of the claimed limitations and the Examiner has failed to meet the burden of presenting a *prima facie* case of obviousness with respect to independent claims 1, 12, and 17.

For the reasons described above, independent claims 1, 12, and 17 are allowable over the cited prior art. Claims 2-3, 5-11, and 22-25 are allowable because they depend on a now

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allowable claim 1. Claims 26 and 27, which are likewise dependent on claim 1, have been added to further recite novel aspects of the invention. Claims 13-16 and 18-21 are allowable because they depend on allowable claims 12 and 17, respectfully. Thus, all of the claims are allowable over the cited prior art.

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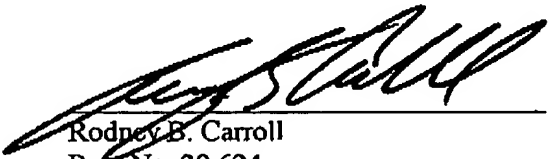
Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated March 22, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account No. 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
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